

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

SEP - 1 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00003

DATE: September 1, 2005

HON. S. JAMES OTERO, Designated Judge, Presiding

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 9:32:46 - 9:51:25

11:28:59 - 12:02:30

Law Clerk: NONE PRESENT

Courtroom Deputy: Leilani Toves Hernandez

CSO: L. Gogo / J. Lizama

***** APPEARANCES *****

DEFT: CHI WAH WONG

(X) PRESENT (X) CUSTODY () BOND () P.R.

ATTY: JOHN GORMAN

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: FRED BLACK

AGENT: BYRON FARLEY, B.I.C.E.

U.S. PROBATION: CARLEEN BORJA

U.S. MARSHAL: W. GRAY

INTERPRETER: FOO MEE CHUN CLINARD

LANGUAGE: CANTONESE

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: 12

Total offense level: 10

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

() ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

(X) DEFENDANT ADDRESSED THE COURT AND APOLOGIZED

() GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

The Court noted that the parties had submitted a stipulation for continuance of today's hearing, which was denied by the Court.

Defense renewed the joint motion for a continuance of one month and argued his reasons. Government also stated his reasons for the motion.

The Court Denied the renewed motion for continuance of sentencing.

Defendant stated that he did not understand the presentence report. The Court continued the matter to 1:30 to allow counsel to review the report, page by page - in detail, with this client and the interpreter. Counsel was advised to notify the Court if they are finished prior to 1:30 p.m. so that the hearing may resume.

Government moved to dismiss Counts II and III - Granted.

SENTENCE: CR-05-00003

DEFENDANT: CHI WAH WONG

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 36 MONTHS WITH CREDIT FOR TIME SERVED.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. §3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. §1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE ATTORNEY GENERAL GONZALEZ OR HIS DESIGNEE. IF DEPORTATION FAILS TO OCCUR, AND THE DEFENDANT IS PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE. THIS CONDITION IS IMPOSED BECAUSE THE DEFENDANT IS A CITIZEN OF THE REPUBLIC OF CHINA AND NOT THE UNITED STATES.
2. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE, OR LOCAL CRIME.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE AND PURSUANT TO 18 U.S.C. §3583.
4. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
5. DEFENDANT SHALL COOPERATE IN THE COLLECTION OF A DNA SAMPLE.
6. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES. DEFENDANT SHALL SUBMIT TO ONE URINALYSIS TEST WITHIN 15 DAYS AFTER SENTENCING AND TWO MORE URINALYSIS TESTS WITHIN 60 DAYS THEREAFTER.

THE COURT RECOMMENDED THAT THE DEFENDANT BE DEPORTED.

ALL FINES WERE WAIVED BY THE COURT SINCE IT WAS DETERMINED THAT HE DOES NOT HAVE THE ABILITY TO PAY.

DEFENDANT WAS ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$100.00, DUE IMMEDIATELY.

COURT STATED THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS.

DEFENDANT WAS REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.

Courtroom Deputy: 